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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/687,561	10/16/2003	Angelique M. Brignac	A02204US (98238.7)	7152
22920	7590	06/14/2006	EXAMINER	
GARVEY SMITH NEHRBASS & NORTH, LLC LAKEWAY 3, SUITE 3290 3838 NORTH CAUSEWAY BLVD. METAIRIE, LA 70002			SWINEHART, EDWIN L	
			ART UNIT	PAPER NUMBER
			3617	

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/687,561	Applicant(s) BRIGNAC ET AL.	
	Examiner Ed Swinehart	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2 and 4-66 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2 and 4-66 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/5/2006 has been entered.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 4 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 depends from a canceled claim.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 9-11 are rejected under 35 U.S.C. 102(b) as being anticipated by the 52-foot SRC configuration publication.

The 52-foot SRC configuration publication shows rescue wells positioned as claimed, as well as an inherently removable deck grating positioned thereover.

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Re paragraph g of claim 1, note that the pilot house includes both an open and closed bridge, each having pilot seating, and the open bridge seats are positioned as claimed.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 24-29,31-34,38-41,45,57-59 and 61-63 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of the 52-foot SRC configuration publication.

Mills shows the field of the invention, including a pilot house 21, port, starboard, bow and stern decks, as well as a curved transom extending from the port and starboard sides. A fantail and multiple buoyancy chambers are positioned as claimed, as well as a plurality of propulsion units. Mills fails to show multiple seats as claimed, although provision of multiple seats is considered to have been as old as boats themselves. Mills fails to show rescue wells.

The 52-foot SRC configuration publication is discussed above, and shows multiple seats.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide multiple seats to the pilot house of Mills as taught by the 52-foot SRC configuration publication.

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Such a combination would have been desirable, so as to provide a place to sit for those in the pilot house.

Re claim 40, the propellers are shielded by the buoyancy chambers, and are therefore not exposed.

Re claim 58, peripheral rails are shown.

The number of seats provided are considered to have been an obvious design consideration to the ordinary routineer working in the art at the time of the invention, and providing no unexpected results. Such is true for provision of cushions on the seats as well.

Re claim 28, such a line of sight is inherent.

Re claim 29, Mills provides an unobstructed stern area inherently capable of the stated function.

Provision of multiple decks is inherently a function of ship size, and such is considered to have been an obvious design consideration to the ordinary routineer working in the art at the time of the invention, and providing no unexpected results.

Re claims 35 and 36, provision of a trailer to haul a watercraft is considered and obvious design expedient, well within anyone's skill. The size of a watercraft is purely choice of design.

It would further have been obvious to one of ordinary skill in the art at the time of the invention to provide wells to the ship of Mills as taught by the 52-foot SRC configuration publication.

Such a combination would have been desirable at the time of the invention so as to provide for usage in the saving of life's.

8. Claims 4(assuming dependence upon claim 1),12,13,53 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication.

The 52-foot SRC configuration publication fails to disclose multiple seating positions as claimed.

Re claim 53, provision of cushions on the seats is not considered invention. Likewise the positions such seats are placed is considered to have been well within the level of skill of the ordinary routineer working in the art at the time of the invention, providing no unexpected results

Re claims 12 and 13, provision of a trailer to haul a watercraft is considered and obvious design expedient, well within anyone's skill. The size of a watercraft is purely choice of design.

9. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Bradford.

The 52-foot SRC configuration publication fails to disclose a litter, although provision of same in a ships infirmary is considered to have been notoriously old and well known in the art.

Bradford discloses a break-down litter.

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It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a litter to the ship of the 52-foot SRC configuration publication as that taught by Bradford.

Such a combination would have been desirable at the time the invention was made so as to provide crew safety.

A break-down litter can be fitted within the hull anywhere in the hull as desired.

10. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Leming et al.

The 52-foot SRC configuration publication fails to disclose a loading zone at the stern.

Leming et al. Teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a loading zone to the 52-foot SRC configuration publication as taught by Leming et al.

Such a combination would have been desirable at the time the invention was made so as to provide for ease in loading/unloading.

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Goldman.

The 52-foot SRC configuration publication fails to disclose a foam bumper as claimed.

Goldman discloses same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the 52-foot SRC configuration publication with a foam bumper as taught by Goldman.

Such a combination would have been desirable at the time the invention was made so as to provide for safety.

The amount of buoyancy provided is considered to have been an obvious design consideration.

12. Claims 15,49 and 54 rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Sinclair, Jr.

T the 52-foot SRC configuration publication appears to show a constant deadrise, however, such has not been positively shown or discussed.

Sinclair, Jr. teaches superior sea keeping in heavy seas by provision of a constant deadrise hull.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a constant deadrise to the hull of the 52-foot SRC configuration publication as taught by Sinclair, Jr.

Such a combination would have been desirable at the time the invention was made so as to provide for improved performance in heavy seas.

Re claim 54, the number of engine hatches provided is considered to have been an obvious choice of design.

13. Claim 50 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Fink, Jr.

The 52-foot SRC configuration publication fails to disclose spray rails as are old and well known in the art as evidenced by Fink Jr.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the 52-foot SRC configuration publication with spray rails as taught by Fink, Jr.

Such a combination would have been desirable at the time the invention was made so as to provide for passenger comfort.

14. Claim 51 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Braddon et al.

The 52-foot SRC configuration publication fails to disclose yaw stabilizers as are old and well known in the art as evidenced by Braddon.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the 52-foot SRC configuration publication with stabilizers as taught by Braddon.

Such a combination would have been desirable at the time the invention was made so as to provide passenger comfort.

15. Claims 16-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Nanami.

The 52-foot SRC configuration publication Mc Vay et al. fails to disclose a fantail.

Nanami teaches a propulsion unit arrangement as claimed.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a stern arrangement to the 52-foot SRC configuration publication as taught by Nanami.

Such a combination would have been desirable at the time the invention was made so as to provide protection of the propulsion units and increased buoyancy.

16. Claim 23 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Nanami as applied to claim 22 above, and further in view of Jagers.

The 52-foot SRC configuration publication fails to teach a hoist for the propulsion unit as claimed.

Jagers teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the 52-foot SRC configuration publication as modified with a hoist as taught by Jagers.

Such a combination would have been desirable at the time the invention was made so as to provide for ease in maintenance.

17. Claim 56 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Cavanaugh et al.

The 52-foot SRC configuration publication fails to disclose a fire fighting system.

Cavanaugh et al. teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the 52-foot SRC configuration publication with a fire fighting system as taught by Cavanaugh et al.

Such a combination would have been desirable at the time of the invention so as to provide the further utility of the ship.

18. Claim 30 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of the 52-foot SRC configuration publication as applied against claim 24 above, and further in view of Bradford.

Bradford is applied as above.

19. Claims 37,42-44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of the 52-foot SRC configuration publication as applied against claim 24 above, further in view of Goldman.

Goldman is applied as above.

20. Claim 46 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of the 52-foot SRC configuration publication as applied against claim 24 above, further in view of Jagers.

Jagers is applied as above.

21. Claims 47 and 48 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Goldman as applied to claim 14 above, and further in view of Burke.

The 52-foot SRC configuration publication fails to disclose flush mount cleats.

Burke teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide flush mount cleats to the 52-foot SRC configuration publication as taught by Burke.

Such a combination would have been desirable at the time the invention was made so as to provide safety of crew walking on deck.

22. Claim 59 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of the 52-foot SRC configuration publication as applied against claim 24 above, further in view of Braddon et al.

Braddon is applied as above.

23. Claim 52 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Miller.

The 52-foot SRC configuration publication fails to disclose a towing post.

Miller teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide a towing post to the 52-foot SRC configuration publication as taught by Miller.

Such a combination would have been desirable at the time the invention was made so as to provide for the ability to render assistance to a distressed craft.

24. Claim 60 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of the 52-foot SRC configuration publication as applied against claim 24 above, further in view of Miller.

Miller is applied as above.

25. Claims 65 and 66 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of the 52-foot SRC configuration publication and Goldman as applied against claim 37 above, further in view of Burke.

Burke is applied as above.

26. Claim 64 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mills in view of the 52-foot SRC configuration publication as applied against claim 24 above, further in view of Cavanaugh et al.

Cavanaugh et al. is applied as above.

27. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Slikkers et al.

The 52-foot SRC configuration publication fails to show a fantail.

Slikkers teaches same.

It would have been obvious to one of ordinary skill in the art at the time of the invention to provide the 52-foot SRC configuration publication with a fantail as taught by Slikkers.

Such a combination would have been desirable at the time of the invention so as to provide for the ability to carry an auxiliary craft.

28. Claims 12 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over the 52-foot SRC configuration publication in view of Mc Vay et al.

The 52-foot SRC configuration publication fails to show a trailer.

Mc Vay teaches the towing of a rescue boat behind a trailer.

It would have been obvious to one of ordinary skill in the art at the time of the invention to tow the vessel of the 52-foot SRC configuration publication as taught by Mc Vay.

Such a combination would have been desirable, so as to permit the boat to be taken to the emergency.

29. Applicant's arguments filed 5/3/2006 have been fully considered but they are not persuasive.

Applicant's arguments re the 52-foot SRC configuration publication pilot seating positions are noted, however such pilot seats are positioned between the front and rear of the wells when viewed in plan.

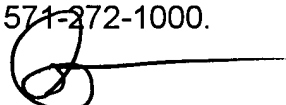
Applicant further argues the lack of an unobstructed deck area behind the pilot house.

The examiner does not agree. Not all of the rear deck of the 52-foot SRC configuration publication is obstructed. Since clearly provision is made for personnel to move about on the rear deck, it is unobstructed. The tower as noted by applicant is not on the rear deck, but the pilot house.

30. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ed Swinehart whose telephone number is 571-272-6688. The examiner can normally be reached on Monday through Thursday 6:30 am to 2:00 pm..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 571-272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Ed Swinehart
Primary Examiner
Art Unit 3617